

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

TREY CLAYTON, a minor, by and through
his natural mother DANA HAMILTON

PLAINTIFF

VS.

CAUSE NO.: 2:11cv181-WAP-JMV

TATE COUNTY SCHOOL DISTRICT;
JAMES MALONE, in his official capacity as
Conservator of Tate County Schools and in his
individual capacity; JEROME MARTIN, in his
official capacity as Assistant Principal and in his
individual capacity

DEFENDANTS

ORDER

This matter is before the court *sua sponte* following a motion to dismiss based on immunity under the Mississippi Tort Claims Act and qualified immunity filed by all defendants. Pursuant to Rule 16(b)(3) of the Uniform Local Rules for the Northern and Southern Districts of Mississippi:

(B) Filing a motion to compel arbitration, an immunity defense or jurisdictional defense motion stays the attorney conference and disclosure requirements and all discovery not related to the issue pending the court's ruling on the motion issue, including any appeal. Whether to permit discovery on issues related to a motion asserting an immunity defense or jurisdictional defense is a decision committed to the discretion of the court.

(C) At the time the motion to compel arbitration, immunity defense or jurisdictional defense motion is filed, the moving party shall submit to the magistrate judge a proposed order granting the stay.

(E) The plaintiff must promptly notify the magistrate judge of a decision on the motion and must submit a proposed order lifting the stay. Within fourteen days of the order lifting the stay, the parties must confer in accordance with L.U.Civ.R. 26(c), and all other deadlines will be determined accordingly.

IT IS, THEREFORE, ORDERED that all proceedings herein, including the Case Management Conference and all motions filed by the parties herein, excluding discovery relating to the motion to dismiss, shall be stayed pending the court's ruling on the motion.

IT IS FURTHER ORDERED that should the Motion be denied, plaintiff's counsel shall contact the court within ten days of the denial to advise of the need to reschedule the Case Management Conference.

SO ORDERED, this, the 4th day of January 2012.

/s/Jane M. Virden
U.S. Magistrate Judge